

222.7300

equipment maintenance services to be performed in Italy.

(c) Use the clause at 252.222-7004, Compliance with Spanish Social Security Laws and Regulations, in solicitations and contracts for services or construction to be performed in Spain.

[62 FR 34122, June 24, 1997, as amended at 70 FR 35545, June 21, 2005]

Subpart 222.73—Limitations Applicable to Contracts Performed on Guam

SOURCE: 64 FR 52672, Sept. 30, 1999, unless otherwise noted.

222.7300 Scope of subpart.

- (a) This subpart implements—
 - (1) 10 U.S.C. 2864; and
 - (2) Section 390 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85).
- (b) This subpart applies to—
 - (1) Contracts for military construction projects on Guam; and
 - (2) Contracts for base operations support on Guam that—
 - (i) Are awarded as a result of a competition conducted under OMB Circular A-76; and
 - (ii) Are entered into or modified on or after November 18, 1997.

222.7301 Prohibition on use of non-immigrant aliens.

(a) Any alien who is issued a visa or otherwise provided nonimmigrant status under Section 101(a)(15)(H)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)) is prohibited from performing work under a contract for—

- (1) A military construction project on Guam; or
 - (2) Base operations support on Guam.
- (b) Lawfully admitted citizens of the freely associated states of the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau are not subject to the prohibition in paragraph (a) of this section.

222.7302 Exception.

The prohibition in 222.7301(a)(1) does not apply to a military construction project if—

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(a) There is no acceptable offer in response to a solicitation for the project;

(b) The Secretary concerned makes a determination that the prohibition is a significant deterrent to obtaining offers on the project; and

(c) Another solicitation is issued for the project.

222.7303 Contract clause.

Use the clause at 252.222-7005, Prohibition on Use of Nonimmigrant Aliens-Guam, in solicitations and contracts subject to this subpart, except those issued in accordance with 222.7302.

PART 223—ENVIRONMENT, CONSERVATION, OCCUPATIONAL SAFETY, AND DRUG-FREE WORK-PLACE

Subpart 223.3—Hazardous Material Identification and Material Safety Data

- Sec.
- 223.300 Scope of subpart.
 - 223.302 General.
 - 223.303 Contract clause.
 - 223.370 Safety precautions for ammunition and explosives.
 - 223.370-1 Scope.
 - 223.370-2 Definition.
 - 223.370-3 Policy.
 - 223.370-4 Procedures.
 - 223.370-5 Contract clauses.

Subpart 223.4—Use of Recovered Materials

- 223.405 Procedures.

Subpart 223.5—Drug-Free Workplace

- 223.570 Drug-free work force.
 - 223.570-1 Definitions.
 - 223.570-2 Policy.
 - 223.570-3 General.
 - 223.570-4 Contract clause.

Subpart 223.8—Ozone-Depleting Substances

- 223.803 Policy.

Subpart 223.70 [Reserved]

Subpart 223.71—Storage and Disposal of Toxic and Hazardous Materials

- 223.7100 Policy.
- 223.7101 Procedures.
- 223.7102 Exceptions.